

AMENDED IN SENATE MAY 2, 2002

SENATE BILL

No. 1791

Introduced by Senator Karnette

February 22, 2002

An act to amend ~~Section 6125 of~~ *Sections 6051 and 6126.4 of, and to repeal and add Section 6126.6 of, the Penal Code, relating to the office of the Inspector General.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1791, as amended, Karnette. The office of the Inspector General.

Existing law creates the independent office of the Inspector General, which shall not be a subdivision of any other governmental entity.

~~This bill would specify that the office shall not be a subdivision of any state governmental entity.~~ *Under that law, the Inspector General has broad audit authority within the Youth and Adult Correctional Agency. In particular, the Inspector General conducts management review audits of Department of Corrections wardens and Youth Authority superintendents, as specified, and copies of reports from these audits must be given to a member of the Legislature on request. Existing law declares that a report that involves potential criminal investigations or prosecution shall be considered confidential.*

This bill would provide that Inspector General audits, including the management review audits discussed above, as well as special audits or reviews, must be provided to requesting members of the public and Legislature. It would provide that all these types of audits, if they involve potential criminal investigations or prosecution, be considered confidential and not subject to disclosure under this new authority. It would require the preparation of a written report at the conclusion of

an Inspector General investigation, to be disclosed, in confidence, to specified parties; and it would require, upon request by other specified parties, the disclosure to a requesting party of the findings and conclusions of the report.

Under existing law, it is a misdemeanor for the Inspector General, public agencies, contractors working for the Inspector General, and specified related parties to divulge or make known any particulars of any document, record, or information the disclosure of which is restricted by law from release to the public.

This bill would also forbid the disclosure of any particulars of any audit or investigation the disclosure of which is restricted by law from release to the public.

Existing law also makes it a misdemeanor for the Inspector General or any employee of the Inspector General to release any information received pursuant to the provisions of law relating to the creation, authority, duties, and administration of the office of the Inspector General, except as permitted in those provisions, or that is otherwise prohibited by law from being disclosed.

This bill would repeal that misdemeanor.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Section 6125 of the Penal Code is amended to~~
2 SECTION 1. Section 6051 of the Penal Code is amended to
3 read:
4 6051. The Inspector General shall conduct a management
5 review audit of any warden in the Department of Corrections or
6 superintendent in the Department of the Youth Authority who has
7 held his or her position for more than four years. The Inspector
8 General shall conduct a management review audit following the
9 confirmation of a new warden or the appointment of a new
10 superintendent unless the Inspector General determines that the
11 audit is not warranted at that time. The management review audit
12 shall include, but not be limited to, issues relating to personnel,
13 training, investigations, and financial matters. The audit report
14 shall be submitted to the secretary of the agency, and the respective
15 director for evaluation and for any response deemed necessary.
16 ~~Any Member of the Legislature may request and shall be provided~~

~~with a copy of any audit report. A report that involves potential criminal investigations or prosecution shall be considered confidential.~~

SEC. 2. Section 6126.4 of the Penal Code is amended to read:

6126.4. It is a misdemeanor for the Inspector General or any employee or former employee of the Inspector General to divulge or make known in any manner not expressly permitted by law to any person not employed by the Inspector General any particulars of any record, document, *audit, investigation*, or information the disclosure of which is restricted by law from release to the public. This prohibition is also applicable to any person or business entity that is contracting with or has contracted with the Inspector General and to the employees and former employees of that person or business entity or the employees of any state agency or public entity that has assisted the Inspector General in the course of any audit or investigation or that has been furnished a draft copy of any report for comment or review.

SEC. 3. Section 6126.6 of the Penal Code is repealed.

~~6126.6. It is a misdemeanor for the Inspector General or any employee of the Inspector General to release any information received pursuant to this chapter except as provided by this chapter, or that is otherwise prohibited by law from being disclosed.~~

SEC. 4. Section 6126.6 is added to the Penal Code, to read:

6126.6. (a) Any Member of the Legislature or the public may request and shall be provided with a copy of any audit by the Inspector General, including a management review audit or a special audit or review. An audit that involves potential criminal investigations or prosecution shall be considered confidential, and its disclosure shall not be required pursuant to the authority of this subdivision.

(b) Upon completion of any investigation, the Inspector General shall prepare a written report, which shall be held as confidential and disclosed, in confidence, only to the secretary of the Youth and Adult Correctional Agency, the Governor, the appropriate director or chair, or a law enforcement agency in furtherance of its duties. Notwithstanding any other law, a summary of the report's findings and conclusions shall be made available, upon request, to the following: (1) the person that requested the investigation, (2) the person or persons that were

1 *subjects of the investigation, and (3) to any Member of the*
2 *Legislature.*

3 ~~read:~~

4 ~~6125. There is hereby created the independent office of the~~
5 ~~Inspector General, which shall not be a subdivision of any other~~
6 ~~state governmental entity. The Governor shall appoint the~~
7 ~~Inspector General, subject to Senate confirmation of that~~
8 ~~appointment.~~

